

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KENIKA E. GOLDEN,

Plaintiff,

v.

Case #15-CV-686-FPG

DECISION AND ORDER

PATRICK N. CAMERON and
PROBULK TRANSPORT LLC,

Defendants.

Defendants Patrick N. Cameron and Probulk Transport LLC filed a Notice of Removal (ECF No. 1), purporting to remove this case from the Supreme Court of the State of New York, County of Erie, and invoke this Court's diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

By Order to Show Cause dated July 29, 2015 (ECF No. 4), I reminded the parties that federal district courts are ones "of limited jurisdiction, whose powers are confined to statutorily and constitutionally granted authority." *Blockbuster, Inc. v. Galeno*, 472 F.3d 53, 56 (2d Cir. 2006) (citing *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546 (2005)). I further directed the Defendants to demonstrate that their removal of this action was proper, since as the removing party, they have the burden of demonstrating a "reasonable probability" that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. *See Mehlenbacher v. Akzo Nobel Salt, Inc.*, 216 F.3d 291, 296 (2d Cir. 2000).

In response to the Order to Show Cause, the parties have submitted a stipulation (ECF No. 6) that confirms that the damages sought in this case will not exceed \$75,000.00. The parties further request that this case be remanded to State court.

Since the parties agree that the amount in controversy in this case does not exceed \$75,000.00, this case is remanded to the Supreme Court of the State of New York, County of Erie, for lack of subject matter jurisdiction.

The Clerk of the Court is directed to close this case, and to transmit this Order to the Clerk of the Supreme Court of the State of New York, County of Erie.

IT IS SO ORDERED.

DATED: Rochester, New York
 August 7, 2015



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court